S.B. CIVIL REVISION PETITION NO.39/2007
(Jugal Kishore vs. Mahendra Prakash & Ors.)

Date :: 19.02.2007

HON'BLE MR. JUSTICE PRAKASH TATIA

Mr.S.S. Gahlot, for the petitioner.

Heard learned counsel for the petitioner.

The revision petition against the order dated 22nd November, 2006 by which the First Appellate Court dismissed the application of the petitioner-applicant filed under Order 1 Rule 10 CPC for being impleaded as party in a suit filed for eviction by plaintiff against his tenant.

Learned counsel for the petitioner submits that in fact the suit property is trust property and for which the PIL is filed wherein directions were issued by the High Court.

In a suit for eviction against the alleged tenant the person having adverse interest to the landlord and against whom relief has not been sought is a stranger and unnecessary party. If the petitioner thinks that the suit property is a trust property and he has interest in the trust property then he can avail remedy under the Rajasthan Public Trust Act, if he is entitled to do so he

cannot be impleaded as party in the suit that too at appellate state.

There is no merit in the revision petition. The revision petition is dismissed.

[PRAKASH TATIA],J.

A.K. Chouhan/-